

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re the application of:

Jürgen Schulz-Harder et al.

Group Art Unit:

Serial No: 08/794,516

Examiner:

Filed : February 3, 1997

For : PROCESS FOR PRODUCING A CERAMIC
SUBSTRATE AND A CERAMIC SUBSTRATE

#242
7-22-97
DR

Fee OK

PETITION TO CORRECT INVENTORSHIP
UNDER 35 U.S.C. §116; 37 C.F.R. §1.48

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

The undersigned, Jürgen Schulz-Harder and Karsten Schmidt, the named inventors in the above-identified United States Patent application, state the following:

The present application was filed February 3, 1997, in the names of Jürgen Schulz-Harder and Karsten Schmidt. In the transmittal papers for the application, a copy of which is enclosed, the inventors claimed a priority date of February 2, 1996, based on German patent application 19603822.7-42.

On February 6, 1997, the inventors' American counsel sent the inventors' German counsel a letter, a copy of which is enclosed, with which was included a Declaration for the inventors to sign. The Declaration contained only the names of the two undersigned inventors, rather than all three of the inventors. The named two inventors were those listed in a request letter, dated January 21, 1997, from the German counsel, a copy of which is enclosed. On February 18, 1997, the applicants' German counsel sent the applicants' American counsel a facsimile, a copy of which is enclosed, that identified the inadvertent omission of the third inventor. On February 24, 1997, responsive to the

applicants' American counsel's inquiries, the applicants' German counsel sent the applicants' American counsel a letter, a copy of which is enclosed, which set forth how the inadvertent error occurred. The German counsel also transmitted a copy of the inventor identification form, identified as "bibliographie-mitteilung," issued by the German Patent Office, dated June 17, 1996, that verifies inventorship by all three inventors. A copy of the inventor identification form is enclosed.

As is set forth in the first sentence of the letter of February 24, 1997, the inventors' German counsel "had forgotten to mentioned [sic] the third inventor . . . [to the American counsel]." At the time of filing the application, the American counsel had no way of ascertaining the true inventorship of the application other than reliance on the representations of the inventors' German counsel. The German application itself, a copy of which had been included with the present application, does not specify the inventors, only the applicant, Curamik Electronics GmbH. In reliance on the German counsel's representations, the American counsel identified only the undersigned inventors in the transmittal papers for the present application, omitting the third inventor.

The omission of a third inventor from the transmittal papers filed with the present application was an error because the inventors' American counsel was not apprized as to the existence of the third inventor. Further, the error was committed without deceptive intent because the applicants' American counsel did not suppress any information, rather simply was unaware of it.

The undersigned are advised that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the

application or any patent issuing thereon. Further, the undersigned state that all statements made of their own knowledge, information and belief are believed to be true.

22.5.1997
Date

Jürgen Schulz-Harder
Jürgen Schulz-Harder

22.5.1997
Date

K. Schmidt
Karsten Schmidt

22.05.1997
Date

Z. Gal
DR. KARL EXEL